

## REMARKS

The Office Action of May 5, 2008 was based on previously pending Claims 1 and 3-21 with Claim 6 withdrawn. Claim 1 is amended by this paper to include the limitations of previously pending Claims 11 and 15. Claims 11 and 15 are cancelled without prejudice or disclaimer. New Claim 60 is added that includes the limitations of previously Claims 1 and 7-11. Thus Claims 1, 3-10, 12-14, 16-21 and 60 remain pending and are respectfully presented for further consideration.

In the Office Action, the Examiner rejects Claims 1, 3, 4, 7, 8, and 13 under 35 U.S.C. § 102(b) as being anticipated by Maio (US 4,767,117). The Examiner also rejected Claims 5 and 9 as unpatentable under 35 U.S.C. § 103(a) over Maio. Claim 10 is rejected under 35 U.S.C. § 103(a) over Maio and Helderman (US 5,743,815). However, the Examiner indicates that Claims 11, 12, and 14-21 would be allowable if amended to include the limitations of the base claim and Claims 7-11 as in new Claim 60.

The Applicant has carefully reviewed the Maio reference and respectfully notes that Maio fails to anticipate at least certain aspects of Claim 1 as currently amended.

For example, Maio teaches a combination amusement park ride and game that does not include a field or a carousel arranged thereon as in Applicant's Claim 1.

Maio further clearly illustrates in Figure 1 and describes at Col. 2, lines 59-61 that "Carousel 24 is located relative to ramp 11 such that the longitudinal centerline of ramp 11 is **perpendicular** to a radius of carousel 24 passing through a player 20 who is located in proximity with tee 23." Thus Maio clearly teaches an arrangement wherein the player does **not** direct a ball to follow a trajectory from one of said player lanes in a generally radial direction from said range carousel towards said periphery of said field, but rather in a generally tangential manner with respect to the carousel 24.

The tee 23 from which the players of the Maio system hit the skeetball is clearly located beyond the outer extent of the carousel 24. The Applicant believes this is clearly distinguished from where balls are returned from the periphery of said field to a central support column as in Claim 1 as currently amended.

**Application No.:** 10/523,436  
**Filing Date:** August 15, 2005

The Applicant also respectfully notes that Helderma '815 also fails to teach or suggest at least certain aspects of the Applicant's claimed invention, including but not limited to those deficiencies identified above with respect to Maio.

As Maio and Helderma both fail to anticipate each and every element of the Applicant's claimed invention, the Applicant believes that Claim 1 as currently amended is patentable under the requirements of 35 U.S.C. 102(b) over Maio. The Applicant further believes that Claims 3-10, 12-14, and 16-21 properly further define the Applicant's invention as claimed in Claim 1 and are also patentable due at least in part on their dependence on the base Claim. Accordingly, the Applicant respectfully requests that the rejections under 35 U.S.C. 102(b) and 103(a) be withdrawn.

The Applicant notes that new Claim 60 includes the limitation of previously pending Claims 1 and 7-11 which the Examiner indicated corresponds to allowable subject matter. The Applicant believes that withdrawn Claim 6 is dependent on an allowable generic base claim and respectfully requests that the restricted subject matter be rejoined and Claim 6 allowed.

From the foregoing, the Applicant believes that the subject application is in a condition ready for allowance and respectfully requests prompt issuance of a notice of allowability. However, should there remain any impediment to the allowance of this application that might be resolved by a telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone number.

No Disclaimers or Disavowals

Although the present communication includes alterations to the application and claims and characterizations of claim scope and referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

**Application No.:** 10/523,436  
**Filing Date:** August 15, 2005

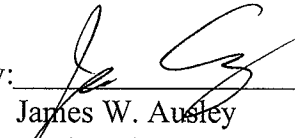
reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 5, 2008

By:   
James W. Ausley  
Registration No. 49,076  
Agent of Record  
Customer No. 20995  
(951) 781-9231

6196097  
110508